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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,414	02/20/2004	Ulrich Moosheimer	MOOSHEIMER-I	6357
25889	7590	06/15/2006		EXAMINER
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			WATKINS III, WILLIAM P	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/783,414	MOOSHEIMER, ULRICH	
	Examiner William P. Watkins III	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 March 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4,7-11 and 16 is/are rejected.
- 7) Claim(s) 5-6 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. The obviousness type double patenting rejection given in section 1 of the detailed portion of the office action mailed 13 December 2005 is withdrawn in view of the express abandonment of the 10/783,444 application.
2. The anticipation rejections given in sections 4, 5, and 6 of the detailed portion of the office action mailed 13 December 2005 are withdrawn in view of applicant's arguments and amendments in the response filed 29 March 2006.
3. The portion of the rejection that uses Jackson et al. in section 8 of the office action mailed 13 December 2005 is withdrawn in view of applicant's arguments in the paper filed 29 March 2006 that the perforation structure of Jackson et al. encourages tearing.
4. The examiner assumes that applicant intended to refer to Grosskopf et al. and not Jackson et al. in paragraphs 2 and 3 on page 7 of the response filed 29 March 2006 in view of the

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arguments made. New grounds of rejection using Grosskopf et al. are given below in response to applicant's amendments.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-3, 7-9, 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grosskopf et al. (U.S. 2002/0056514 A1) in view of Blenke et al. (U.S. 6,713,159 B1).

Grosskopf et al. teaches a hanger strap that is die cut from a film that is part of a label, the film has two layers that are joined with adhesive, one of which is tear resistant in order to increase the tear resistance of the strap (abstract, section 0059, element 154). Blenke et al. teach the use of a discontinuous adhesive pattern that has longitudinal areas of bonding that run with the edge of the laminate between two layers in order to prevent tearing from the edges by diffusing the tearing stress over the entire bonded area (abstract,

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Figures 1A and 1B). The instant invention claims discontinuous adhesive between two layers in a strap where the area of discontinuity runs in the direction of tension. It would have been obvious to one of ordinary skill in the art to have used discontinuous adhesive patterns that run with the edges of the strap of Grosskopf et al. in order to prevent tearing from the edges because of the teachings of Blenke et al.

7. Claims 1-4, 7, 10-11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grosskopf et al. (U.S. 2002/0056514 A1).

Grosskopf et al. teaches two different means of preventing tearing in a film that is die cut to form a handle of a label. The first is the presence of cutouts to prevent tearing (element 144). These cutouts maybe filled, in which case they form slits or slots, portions of which run in the direction of tension of the handle (section 0058). The second method is the use of a film with strength and a more flexible film that reduces tearing that are laminated together (section 0059). There may be a flexible sheet on both sides of the higher strength sheet (Figure 6, elements 650, 655 and 660, section 0059 and 0072). The order of the layers in the laminate may be reversed in the

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various embodiments (0053). The instant invention claims a hanger with slots oriented in the direction of tension, with material on both sides of the slots in a direction transverse to the tension direction, or a hanger with two layers with a separation agent between the two layers wherein the agent is a layer of greater stretching ability. It would have been obvious to one of ordinary skill in the art to have selected the filled cutouts from the options given by Grosskopf et al. in order to practice the invention of the reference (this portion of the rejection meets claims 1-4 and 11). It further would have been obvious to one of ordinary skill in the art to have reversed the layers in Figure 6 of the reference in view of the teachings of the reference that this is an option in order form a laminate with a central more stretchable layer and outer higher strength layers (this portion of the rejection meets claims 1-3, 7, 10-11 and 16).

8. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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There is no teaching in the art of record of the slots being only in one layer of a two layer film or of slots being in different layers but offset, as required by instant claims 5 and 6.

9. Applicant's arguments filed 29 March 2006 have been fully considered but they are not persuasive.

Applicant argues that Blenke relates to a diaper and not a hanger. Grosskopf et al. is relied upon for the teaching of a hanger. There is motivation to combine the references because Blenke deals with the common problem of preventing tearing in film laminates.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action

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is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 571-272-1503. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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WW/ww

June 10, 2006



WILLIAM P. WATKINS III  
PRIMARY EXAMINER